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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,642	06/18/2001	Denisa D. Wagner	CFBF-P02-004	3076
28120	7590	12/03/2004	EXAMINER	
ROPES & GRAY LLP ONE INTERNATIONAL PLACE BOSTON, MA 02110-2624			GAMBEL, PHILLIP	
			ART UNIT	PAPER NUMBER
			1644	

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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09/883642

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

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11292004

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Commissioner for Patents

The reply filed on 8/26/04 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): j

1. Applicant's election for further prosecution the invention described in claim 39 and all claim dependent thereon in the Response to Restrictin Requirement, filed 8/26/04.

However, it is still unclear which species applicant has elected. For example, dependent claims 62-65 recites "an antibody that inhibits interaction between said P-selectin and said ligand of P-selectin OR between E-selectin and said ligand of E-selectin.

Applicant is invited to clearly a particular species from those previously indicated and reiterated herein for applicant's convenience.

Although applicant notes that no L-selectin specificity is claimed, applicant has pointed out page 12, lines 21-26 to support the claimed invention. Here, the specification discloses that: "For example, an agent may inhibit other selectin interactions in addition to P-selectin interactions, e.g. L and/or E selectin interactions. Such overlapping specificity may provide additional therapeutic advantage."

The examiner apologizes for any convenience to applicant in this matter.

2. Given the apparent discrepancy between the examiner and applicant with respect to the elected invention as indicated previously, the following species election is set forth as they read on the instant claims.

With respect to originally elected invention that read on the use of P-selectin antibodies in the claimed methods, this application contains claims directed to the following patentably distinct species of the claimed Invention: wherein the P-selectin antibody:

A) binds P-selectin and inhibits the interactions between P-selectin and a ligand for P-selectin,

B) binds P-selectin and inhibits the interactions between P-selectin and a ligand for P-selectin AND between E-selectin and a ligand for E-selectin or

C) binds P-selectin and inhibits the interactions between P-selectin and a ligand for P-selectin AND between E-selectin and a ligand for E-selectin AS WELL AS between L-selectin and a ligand for L-selectin.

These species are distinct because the P-selectin antibodies bind discrete targets and have discrete functional properties. Therefore, they are separate and patentably distinct species

Applicant is required under 35 U.S.C. ' 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 39 is generic, for example.

3. Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. ' 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. M.P.E.P. ' 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. ' 103 of the other invention.

4. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

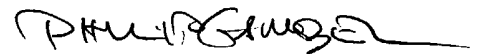
5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. ' 1.48(b) and by the fee required under 37 C.F.R. 1.17(h).

6. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (571) 272-0844. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841.

The fax number for the organization where this application or proceeding is assigned is 703-872-9306.0

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phillip Gambel
Primary Examiner
Art Unit: 1644

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11/19/04